



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW  
ATLANTA, GEORGIA 30303-3104

September 2, 2020

Mr. Timothy Parsons, Ph.D.  
State Historic Preservation Officer  
Director, Division of Historical Resources  
500 South Bronough Street  
R.A. Gray Building, Room 305  
Tallahassee, Florida 32399-0250

**Subject:** Consultation Under the National Historic Preservation Act Regarding the State of Florida's Request to Assume Administration of a CWA Section 404 Program

Dear Dr. Parsons:

On August 20, 2020, the U.S. Environmental Protection Agency, Region 4 received a request from the State of Florida to assume the administration of a Clean Water Act Section 404 program (CWA Section 404) for regulating discharges of dredged or fill material into waters of the United States. Pursuant to the CWA Section 404 and its implementing regulations (40 C.F.R. Part 233), the EPA is the federal agency charged with approving or denying Florida's request. The EPA has 120 days within which to complete this action (i.e., by December 17, 2020). The EPA has determined that approval of a state program under these provisions is a federal undertaking. Therefore, in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and the Advisory Council on Historic Preservation's implementing regulations, the EPA is initiating consultation with your office on this undertaking.

At this link

[https://usepa.sharepoint.com/:f:/r/sites/R4/r4\\_wetlands\\_stream\\_regulatory\\_section/Shared%20Documents/Florida%20Assumption%20EPA%20Internal/Shared%20Package%20Folder?csf=1&web=1](https://usepa.sharepoint.com/:f:/r/sites/R4/r4_wetlands_stream_regulatory_section/Shared%20Documents/Florida%20Assumption%20EPA%20Internal/Shared%20Package%20Folder?csf=1&web=1) is a copy of Florida's submittal, which includes the following components: a letter from Governor Ron DeSantis requesting program approval; a complete program description; Florida DEP General Counsel Justin G. Wolfe's statement; a Memorandum of Agreement with the EPA Regional Administrator; a Memorandum of Agreement with the Secretary of the Army; and copies of all applicable Florida statutes and regulations, including those governing applicable Florida administrative procedures. This information will also be available to the public upon publication of a Federal Register notice associated with this action. The timeline for the consultation process begins with this letter. Please let us know within 30 days of receiving this letter if you wish to consult on this undertaking. Due to COVID-19, the consultation meetings will be held by phone or through virtual meeting platforms.

We look forward to consulting with your office under the NHPA on Florida's request to assume a CWA Section 404 program. If you have any questions regarding this matter, please contact me at (404) 562-9345, or have a member of your staff contact Mr. Kelly Laycock at (404) 562-9132 or [laycock.kelly@epa.gov](mailto:laycock.kelly@epa.gov).

Sincerely,

**JEANEANNE GETTLE**

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GETTLE  
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Jeaneanne M. Gettle, Director  
Water Division